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Request for the inclusion of a supplementary item in the agenda of the seventy-second session

The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity

Letter dated 11 August 2017 from the Permanent Representatives of Australia and Ghana to the United Nations addressed to the Secretary-General

On behalf of the Permanent Mission of Australia and the Permanent Mission of Ghana, we have the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the seventy-second session of the General Assembly of a supplementary item entitled "The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity".

In accordance with annex IV, paragraph 18, to the rules of procedure of the General Assembly, we request that the item be referred to the plenary of the Assembly. It is not our intention that a resolution be adopted as a result of the General Assembly's consideration of this item during the seventy-second session.

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum is attached to this letter (see annex).

We have the further honour to request that the present letter and its annex be circulated as a document of the General Assembly.

(*Signed*) Gillian **Bird**
Permanent Representative of Australia to the United Nations

(*Signed*) Martha Ama Akyaa **Pobee**
Permanent Representative of Ghana to the United Nations

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Annex

Explanatory memorandum

The responsibility to protect was enshrined in paragraphs 138 and 139 of the World Summit Outcome adopted by Heads of State and Government in 2005.

The World Summit Outcome provides that:

> 138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.
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> 139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

The General Assembly adopted the 2005 World Summit Outcome in resolution 60/1.

In January 2009, the then Secretary-General submitted the first report on the subject, entitled "Implementing the responsibility to protect" (A/63/677). The Secretary-General wrote that paragraphs 138 and 139 of the World Summit Outcome suggest that the responsibility to protect rests on three pillars: the protection responsibilities of the State (pillar one); international assistance and capacity-building (pillar two); and timely and decisive response (pillar three).

The Secretary-General's report was considered in the General Assembly's first — and to date only — debate on the responsibility to protect later that year. In its resolution 63/308, the General Assembly took note of the Secretary-General's report and its debate, and decided to continue its consideration of the responsibility to protect.

Despite this decision, eight years have now passed without the General Assembly further considering the responsibility to protect.

And yet, as we are reminded on an almost daily basis, the need to prevent genocide, war crimes, ethnic cleansing and crimes against humanity is as pressing as ever.

While the annual informal interactive dialogue on the responsibility to protect has an important role to play, including as an opportunity for civil society to express views, we consider it important for the General Assembly to fulfil the role that was foreseen for it in the 2005 World Summit Outcome and resolution 63/308.

A General Assembly debate would allow all Member States to record their views on the responsibility to protect. This should in turn enable Member States to find more common ground in relation to how best to prevent genocide, war crimes, ethnic cleansing and crimes against humanity.

We hope that, through the sharing of experiences, the General Assembly will be able to identify prevention success stories, thereby highlighting prevention strategies that are effective. We also hope that, through a constructive dialogue, we will be able to build confidence to enable Member States to identify challenges to the responsibility to protect when they face them, and to ask for assistance when they need it.

The Secretary-General has identified prevention as the priority for the United Nations, and has signalled that the responsibility to protect is a key component of that agenda. As the Secretary-General himself put it in his report of August 2017 entitled "Implementing the responsibility to protect: accountability for prevention" (A/71/1016-S/2017/556), genocide, war crimes, ethnic cleansing and crimes against humanity "impose a particularly heavy toll on humanity and their prevention is at the heart of my overall prevention agenda". In his report, the Secretary-General underlined the need for a "continuous, frank and inclusive dialogue" on the responsibility to protect. To this end, one of the 14 recommendations in the Secretary-General's report is that States consider placing a specific item on prevention and the responsibility to protect on the agenda of the General Assembly.

We hope that, just as the membership has rallied around the Secretary-General with strong expressions of support for his prevention agenda, Member States will support the inclusion in the agenda of the General Assembly of an item on the responsibility to protect.

Ultimately, in proposing this supplementary agenda item, our goal is to foster dialogue and help to build consensus in relation to what the United Nations and Member States need to do to prevent these heinous crimes.